

## OPI Memo Regarding Voter ID Requirements (12/15/03)

As you may know, the 2003 legislature amended Montana's election laws to require voters to present valid identification before voting. It was commonly assumed and reported that this requirement would apply to school elections. However, attorneys from OPI, the Montana Secretary of State's office, and Montana School Boards Association recently reviewed the law and determined that this is not, in fact, the case.

MCA 20-20-301 establishes voter qualifications for school elections: "An individual is entitled to vote at school elections if he has the qualifications set forth in 13-1-111 (voters must be registered to vote, at least 18 years of age, a resident of Montana and the county for at least 30 days, and a US citizen) and is a resident of the school district or, in a school district that has been apportioned into single-member trustee districts according to 20-3-337, a resident of the trustee district." As you can see, showing ID is not considered a requirement for voting in school elections. Therefore, at this time, electors are NOT required to present ID before voting in school elections.

Please note this significant change. The Secretary of State's office plans to provide more detailed information at the MASBO Regional meetings next spring. In the meantime, please refer any questions you may have to Mike Waterman (444-4524, [mwaterman@state.mt.us](mailto:mwaterman@state.mt.us)) or Cathy Warhank (444-4402, [cwarhank@state.mt.us](mailto:cwarhank@state.mt.us)).